

Appendix A

Enabling Legislation

Utah State Code §53-10-601. Utah 911 Committee

- (1) There is created within the division, the Utah 911 Committee consisting of the following 15 members:
- (a) a representative from each of the following primary emergency public safety answering points:
 - (i) Salt Lake County;
 - (ii) Davis County;
 - (iii) Utah County; and
 - (iv) Weber County;
 - (b) four members representing the following primary emergency public safety answering points:
 - (i) Bear River Association;
 - (ii) Uintah Basin Association;
 - (iii) South East Association;
 - (iv) Six County Association;
 - (v) Five County Association; and
 - (vi) Mountainlands Association, not including Utah County;
 - (c) the following people with knowledge of technology and equipment that might be needed for an emergency public safety answering system:
 - (i) a representative from a local exchange carrier;
 - (ii) a representative from a rural incumbent local exchange carrier; and
 - (iii) two representatives from radio communications services as defined in Section 69-2-2 ;
 - (d) two representatives from the Department of Public Safety, one of whom represents urban Utah and the other rural Utah; and
 - (e) a representative from the Division of Information Technology Services.
- (2) (a) Each committee member shall be appointed as follows:
- (i) a member described in Subsection (1)(a) shall be appointed by the governor from a nominee or nominees submitted to the governor by the council of government for that member's county;
 - (ii) the four members described in Subsection (1)(b) shall be appointed by the governor from a nominee or nominees submitted to the governor by the associations described in Subsection (1)(b) as follows:
 - (A) the six associations shall select by lot, the first four associations to begin the rotation of membership as required by Subsection (2)(b)(i); and
 - (B) as each association is represented on the commission in accordance with Subsection (2)(b)(i), that association shall select the person to represent it on the commission;
 - (iii) the members described in Subsection (1)(c) shall be appointed by the governor with the consent of the Senate; and
 - (iv) the members described in Subsections (1)(d) and (e) shall be appointed by the governor.

- (b) The term of office of each member is four years, except as provided in Subsections (2)(b)(ii) through (iv).
 - (i) The representatives from Subsection (1)(b) must rotate to provide each geographic location at least one representative every four years, except as provided for the initial appointment under Subsection (2)(b)(ii).
 - (ii) The associations listed in Subsection (1)(b) shall select by lot, two of its members to an initial two-year term.
 - (iii) The governor shall appoint two representatives from Subsection (1)(c) to initial two-year terms.
 - (iv) The public service answering points listed in Subsection (1)(a) shall, by lot, select two members to serve an initial two-year term.
- (c) No member of the committee may serve more than two consecutive four-year terms.
- (d) Each mid-term vacancy shall be filled for the unexpired term in the same manner as an appointment under Subsection (2)(a).
- (3) (a) Committee members shall elect a chair from their number and establish rules for the organization and operation of the committee, with the chair rotating among representatives from Subsections (1)(a), (b), and (d) every year.
- (b) Staff services to the committee:
 - (i) shall be provided by the division; and
 - (ii) may be provided by local entities through the Utah Association of Counties and the Utah League of Cities and Towns.
- (c) Funding for staff services shall be provided with funds approved by the committee from those identified under Section 53-10-605 .
- (4) (a) No member may receive compensation or benefits for the member's service on the committee.
- (b) A member is not required to give bond for the performance of official duties.

Section 2. §53-10-602 is enacted to read:

§53-10-602. Committee's duties and powers

- (1) The committee shall:
 - (a) review and make recommendations to the division, the Bureau of Communications, public safety answering points, and the Legislature on:
 - (i) technical and operational issues for the implementation of a unified statewide wireless and land-based E-911 emergency system
 - (ii) specific technology and standards for the implementation of a unified statewide wireless and land-based E-911 emergency system;
 - (iii) expenditures by local public service answering points to assure implementation of a unified statewide wireless and land-based E-911 emergency system and standards of operation; and
 - (iv) mapping systems and technology necessary to implement the unified statewide wireless and land-based E-911 emergency system
 - (b) administer the fund as provided in this part;
 - (c) assist as many local entities as possible, at their request, to implement the recommendations of the committee; and
 - (d) fulfill all other duties imposed on the committee by the Legislature by this part.
- (2) The committee may sell, lease, or otherwise dispose of equipment or personal property belonging to the committee, the proceeds from which shall return to the fund. (3) The committee shall issue the reimbursement allowed under Subsection 53-10-605 (1)(b) provided that:
 - (a) the reimbursement is based on aggregated cost studies submitted to the committee by the wireless carriers seeking reimbursement; and

- (b) the reimbursement to any one carrier does not exceed 125% of the wireless carrier's contribution to the fund
- (4) The committee shall adopt rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, to administer the fund created in Section 53-10-603 including rules that establish the criteria, standards, technology, and equipment that a local entity or state agency must adopt in order to qualify for grants from the fund.

Section 3. §53-10-603 is enacted to read:

§53-10-603. Creation of Statewide Unified E-911 Emergency Service Fund

- (1) There is created a restricted account in the General Fund entitled the "Statewide Unified E-911 Emergency Service Fund," or "fund" consisting of:
 - (a) proceeds from the fee imposed in Section 69-2-5.6 ;
 - (b) money appropriated or otherwise made available by the Legislature;
 - (c) proceeds from the levy imposed in Section 69-2-5 , as required by Subsection 69-2-5 (3)(c)(iii); and
 - (d) contributions of money, property, or equipment from federal agencies, political subdivisions of the state, persons, or corporations.
- (2) The moneys in this fund shall be used exclusively for the following statewide public purposes:
 - (a) enhancing public safety as provided in this chapter;
 - (b) providing a statewide, unified, wireless E-911 service available to public service answering points; and
 - (c) providing reimbursement to providers for certain costs associated with Phase 1 wireless E-911 service.

Section 4. §53-10-604 is enacted to read:

§53-10-604. Committee expenses -- Tax Commission expenses -- Division of Finance responsibilities.

- (1) Committee expenses and the costs of administering grants from the fund, as provided in Subsection (3), shall be paid from the fund.
- (2)
 - (a) The expenses and costs of the State Tax Commission to administer and enforce the collection of the telephone levy imposed by Section 69-2-5.6 shall be paid from the fund.
 - (b)
 - (i) The State Tax Commission may charge the fund the administrative costs incurred in discharging the responsibilities imposed by Section 69-2-5.6 .
 - (ii) The charges in Subsection (2)(b)(i) may not exceed an amount equal to 1.5% of the charges imposed under Section 69-2-5.6 .
- (3)
 - (a) The Division of Finance shall be responsible for the care, custody, safekeeping, collection, and accounting for grants issued by the committee under the provisions of Section 53-10-605 .
 - (b) The Division of Finance may charge the fund the administrative costs incurred in discharging the responsibilities imposed by Subsection (3)(a).

Section 5. §53-10-605 is enacted to read:

§53-10-605. Use of money in fund -- Criteria -- Administration

- (1) Subject to an annual legislative appropriation from the fund to:
 - (a) the committee, the committee shall:
 - (i) authorize the use of the money in the fund, by grant to a local entity or state agency in accordance with this Subsection (1) and Subsection (2);

- (ii) grant to state agencies and local entities an amount not to exceed the per month fee levied on telephone services under Section 69-2-5.6 for installation, implementation, and maintenance of unified, statewide 911 emergency services and technology; and
- (iii) in addition to any money under Subsection (1)(a)(ii), grant to counties of the third through sixth class the amount dedicated for rural assistance, which is at least 3 cents per month levied on telephone services under Section 69-2-5.6 to:
 - (A) enhance the 911 emergency services with a focus on areas or counties that do not have E-911 services; and
 - (B) where needed, assist the counties, in cooperation with private industry, with the creation or integration of wireless systems and location technology in rural areas of the state; and
- (b) the committee, the committee shall:
 - (i) include reimbursement to a provider of radio communications service, as defined in Section 69-2-2 , for costs as provided in Subsections (1)(b)(ii) and (iii);
 - (ii) an agreement to reimburse costs to a provider of radio communications services must be a written agreement among the committee, the local public safety answering point and the carrier; and
 - (iii) shall include reimbursement to the provider for the cost of design, development, and implementation of equipment or software necessary to provide Phase I, wireless E-911 service to public service answering points, provided:
 - (A) the reimbursement under this Subsection (1)(b) does not exceed the amount allowed by Subsection 53-10-602 (3);
 - (B) the provider submits an invoice for the reimbursement to the committee; and
 - (C) the provider has not been reimbursed by the consumer for the costs submitted to the committee; and
- (c) the state's Automated Geographic Reference Center in the Division of Information Technology Services, an amount equal to 1 cent per month levied on telephone services under Section 69-2-5.6 shall be used to enhance and upgrade statewide digital mapping standards.
- (2) (a) Beginning July 1, 2007, the committee may not grant the money in the fund to a local entity unless the local entity is in compliance with Phase I, wireless E-911 service.
(b) Beginning July 1, 2009, the committee may not grant money in the fund to a local entity unless the local entity is in compliance with Phase II, wireless E-911 service.
- (3) A local entity must deposit any money it receives from the committee into a special emergency telephone service fund in accordance with Subsection 69-2-5 (4).
- (4) For purposes of this part, "local entity" means a county, city, town, special district, local district, or interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act.

Section 6. §53-10-606 is enacted to read:

§53-10-606. Committee to report annually

- (1) The committee shall submit an annual report to the Executive Appropriations Committee of the Legislature which shall include:
 - (a) the total aggregate surcharge collected by local entities and the state in the last fiscal year under Sections 69-2-5 and 69-2-5.6 ;
 - (b) the amount of each disbursement from the fund;
 - (c) the recipient of each disbursement and describing the project for which money was disbursed;
 - (d) the conditions, if any, placed by the committee on disbursements from the fund;
 - (e) the planned expenditures from the fund for the next fiscal year;
 - (f) the amount of any unexpended funds carried forward;

- (g) a cost study to guide the Legislature towards necessary adjustments of both the Statewide Unified E-911 Emergency Service Fund and the monthly emergency services telephone charge imposed under Section 69-2-5 ; and
- (h) a progress report of local government implementation of wireless and land-based E-911 services including:
 - (i) a fund balance or balance sheet from each agency maintaining its own emergency telephone service fund;
 - (ii) a report from each public safety answering point of annual call activity separating wireless and land-based 911 call volumes; and
 - (iii) other relevant justification for ongoing support from the Statewide Unified E-911 Emergency Service Fund.
- (2) (a) The committee may request information from a local entity as necessary to prepare the report required by this section.
- (b) A local entity imposing a levy under Section 69-2-5 or receiving a grant under Section 53-10-605 shall provide the information requested pursuant to Subsection (2)(a).

Section 7. §63-55-269 is enacted to read:

§63-55-269. Repeal dates, Title 69

Section 69-2-5.6 , Emergency services telephone charge to fund statewide unified E911emergency service, is repealed July 1, 2011.

Section 8. §69-2-5 is amended to read:

§69-2-5. Funding for 911 emergency telephone service

- (1) In providing funding of 911 emergency telephone service, any public agency establishing a 911 emergency telephone service may:
 - (a) seek assistance from the federal or state government, to the extent constitutionally permissible, in the form of loans, advances, grants, subsidies, and otherwise, directly or indirectly;
 - (b) seek funds appropriated by local governmental taxing authorities for the funding of public safety agencies; and
 - (c) seek gifts, donations, or grants from individuals, corporations, or other private entities.
- (2) For purposes of providing funding of 911 emergency telephone service, special service districts may raise funds as provided in Section 17A-2-1322 and may borrow money and incur indebtedness as provided in Section 17A-2-1316.
- (3) (a) Except as provided in Subsection (3)(b) and subject to the other provisions of this Subsection (3) a county, city, or town within which 911 emergency telephone service is provided may levy monthly an emergency services telephone charge on:
 - (i) each local exchange service switched access line within the boundaries of the county, city, or town; and
 - (ii) each revenue producing radio communications access line with a billing address within the boundaries of the county, city, or town.
- (b) Notwithstanding Subsection (3)(a), an access line provided for public coin telephone service is exempt from emergency telephone charges.
- (c) The amount of the charge levied under this section may not exceed:
 - (i) [53] 65 cents per month for each local exchange service switched access line; [and]
 - (ii) [53] 65 cents per month for each radio communications access line[.]; and
 - (iii) 4 cents of the amount of the charge levied under Subsections (3)(c)(i) and (ii), less the collection costs of the provider and Tax Commission permitted by

- Subsection (3)(h) and Subsection 53-10-604 (2)(b), shall be deposited monthly in the statewide unified E-911 Emergency Service Fund created in Section 53-10-603 , for the purposes outlined in that section.
- (d) (i) For purposes of this Subsection (3)(d) the following terms shall be defined as provided in Section 59-12-102 :
- (A) "mobile telecommunications service";
 - (B) "primary place of use";
 - (C) "service address"; and
 - (D) "telephone service."
- (ii) An access line described in Subsection (3)(a) is considered to be within the boundaries of a county, city, or town if the telephone services provided over the access line are located within the county, city, or town:
- (A) for purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use Tax Act; and
 - (B) determined in accordance with Section 59-12-207 .
- (iii) The rate imposed on an access line under this section shall be determined in accordance with Subsection (3)(d)(iv) if the location of an access line described in Subsection (3)(a) is determined under Subsection (3)(d)(ii) to be a county, city, or town other than county, city, or town in which is located:
- (A) for telephone service other than mobile telecommunications service, the purchaser's service address; or
 - (B) for mobile telecommunications service, the purchaser's primary place of use.
- (iv) The rate imposed on an access line under this section shall be the lower of:
- (A) the rate imposed by the county, city, or town in which the access line is located under Subsection (3)(d)(ii); or
 - (B) the rate imposed by the county, city, or town in which it is located:
 - (I) for telephone service other than mobile telecommunications service, the purchaser's service address; or
 - (II) for mobile telecommunications service, the purchaser's primary place of use.
- (e) (i) A county, city, or town shall notify the Public Service Commission of the intent to levy the charge under this Subsection (3) at least 30 days prior to the effective date of the charge being levied.
- (ii) For purposes of this Subsection (3)(e):
- (A) "Annexation" means an annexation to:
 - (I) a city or town under Title 10, Chapter 2, Part 4, Annexation; or
 - (II) a county under Title 17, Chapter 2, Annexation to County.
 - (B) "Annexing area" means an area that is annexed into a county, city, or town.
- (iii) (A) If, on or after July 1, 2003, a county, city, or town enacts or repeals a charge under this section, the enactment or repeal shall take effect:
- (I) on the first day of a calendar quarter; and
 - (II) after a 75-day period beginning on the date the State Tax Commission receives notice meeting the requirements of Subsection (3)(e)(iii)(B) from the county, city, or town
- (B) The notice described in Subsection (3)(e)(iii)(A) shall state:
- (I) that the county, city, or town will enact or repeal a charge under this section;
 - (II) the statutory authority for the charge described in Subsection (3)(e)(iii)(B)(I); and
 - (III) the effective date of the charge described in Subsection (3)(e)(iii)(B)(I).

- (iv) (A) If, for an annexation that occurs on or after July 1, 2003, the annexation will result in a change in a charge imposed under this section being imposed in an annexing area, the change shall take effect:
 - (I) on the first day of a calendar quarter; and
 - (II) after a 75-day period beginning on the date the State Tax Commission receives notice meeting the requirements of Subsection (3)(e)(iv)(B) from the county, city, or town that annexes the annexing area.
 - (B) The notice described in Subsection (3)(e)(iv)(A) shall state:
 - (I) that the annexation described in Subsection (3)(e)(iv)(A) will result in a change in the charge being imposed under this section for the annexing area;
 - (II) the statutory authority for the charge described in Subsection (3)(e)(iv)(B)(I); and
 - (III) the effective date of the charge described in Subsection (3)(e)(iv)(B)(I).
- (f) Subject to Subsection (3)(g), an emergency services telephone charge levied under this section shall:
 - (i) be billed and collected by the person that provides the:
 - (A) local exchange service switched access line services; or
 - (B) radio communications access line services; and
 - (ii) except for costs retained under Subsection (3)(h), remitted to the State Tax Commission.
- (g) An emergency services telephone charge on a mobile telecommunications service may be levied, billed, and collected only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.
- (h) The person that bills and collects the charges levied under Subsection (3)(f) may:
 - (i) bill the charge imposed by this section in combination with the charge levied under Section 69-2-5.6 as one line item charge; and
 - (ii) retain an amount not to exceed 1.5% of the levy collected under this section as reimbursement for the cost of billing, collecting, and remitting the levy.
- (i) The State Tax Commission shall:
 - (i) collect, enforce, and administer the charge imposed under this Subsection (3) pursuant to the same procedures used in the administration, collection, and enforcement of the state sales and use taxes under:
 - (A) Title 59, Chapter 1, General Taxation Policies; and
 - (B) Title 59, Chapter 12, Part 1, Tax Collection, except for Sections 59-12-104, 59-12-104.1, and 59-12-104.2;
 - (ii) transmit monies collected under this Subsection (3):
 - (A) monthly; and
 - (B) by electronic funds transfer by the commission to the county, city, or town that imposes the charge; and
 - (iii) charge the county, city, or town for the State Tax Commission's services under this Subsection (3) in an amount:
 - (A) sufficient to reimburse the State Tax Commission for the cost to the State Tax Commission in rendering the services; and
 - (B) that may not exceed an amount equal to 1.5% of the charges imposed under this Subsection (3).
- (4) (a) Any money received by a public agency for the provision of 911 emergency telephone service shall be deposited in a special emergency telephone service fund.
- (b) (i) Except as provided in Subsection (5), the money in the emergency telephone service fund [described in Subsection (4)(a)] shall be expended by the public agency to pay the costs of establishing, installing, maintaining, and operating a 911

- emergency telephone system or integrating a 911 system into an established public safety dispatch center, including contracting with the providers of local exchange service, radio communications service, and vendors of appropriate terminal equipment as necessary to implement the 911 emergency telephone service.
- (ii) Revenues derived for the funding of 911 emergency telephone service may only be used for that portion of costs related to the operation of the 911 emergency telephone system when such a system is integrated with any public safety dispatch system.
- (c) Any unexpended money in the emergency telephone service fund at the end of a fiscal year does not lapse, and must be carried forward to be used for the purposes described in this section.
- (5) (a) Revenue received by a local entity from an increase in the levy imposed under Subsection (3) after the 2004 Annual General Session, or from grants from the Utah 911 Committee pursuant to Section 53-10-605 :
- (i) shall be deposited into the special emergency telephone service fund described in Subsection (4)(a); and
- (ii) shall only be used for that portion of the costs related to the development and operation of wireless and land-based enhanced 911 emergency telephone service and the implementation of wireless E-911 Phase I and Phase II services as provided in Subsection (5)(b).
- (b) The costs allowed under Subsection (5)(a)(ii) shall include the public service answering point's or local entity's costs for:
- (i) acquisition, upgrade, modification, maintenance, and operation of public service answering point equipment capable of receiving E-911 information;
- (ii) database development, operation, and maintenance; and
- (iii) personnel costs associated with establishing, installing, maintaining, and operating wireless E-911 Phase I and Phase II services, including training emergency service personnel regarding receipt and use of E-911 wireless service information and educating consumers regarding the appropriate and responsible use of E-911 wireless service.
- (6) A local entity that increases the levy it imposes under Subsection (3)(c) after the 2004 Annual General Session shall increase the levy to the maximum amount permitted by Subsection (3)(c).

Section 9. §69-2-5.6 is enacted to read:

§69-2-5.6. Emergency services telephone charge to fund statewide unified E-911 emergency service

- (1) Subject to Subsection 69-2-5 (3)(g), there is imposed a statewide unified E-911 emergency service charge of 13 cents per month on each local exchange service switched access line and each revenue producing radio communications access line that is subject to an emergency services telephone charge levied by a county, city, or town under Section 69-2-5 or 69-2-5.5 .
- (2) The emergency services telephone charge imposed under this section shall be:
- (a) subject to Subsection 69-2-5 (3)(g);
- (b) billed and collected by the person that provides:
- (i) local exchange service switched access line services; or
- (ii) radio communications access line services;
- (c) except for costs retained under Subsection (3), remitted to the State Tax Commission at the same time as the person remits to the State Tax Commission monies collected by the person under Title 59, Chapter 12, Sales and Use Tax Act; and
- (d) deposited into the Statewide Unified E-911 Emergency Service Fund restricted account in the General Fund created by Section 53-10-603 .
- (3) The person that bills and collects the charges levied by this section pursuant to Subsections (2)(b) and (c), may:

- (a) bill the charge imposed by this section in combination with the charge levied under Section 69-2-5 as one line item charge; and
 - (b) retain an amount not to exceed 1.5% of the charges collected under this section as reimbursement for the cost of billing, collecting, and remitting the levy.
- (4) The State Tax Commission shall collect, enforce, and administer the charges imposed under Subsection (1) pursuant to the same procedures used in the administration, collection, and enforcement of the emergency services telephone charge to fund the Poison Control Center under Section 69-2-5.5 .
- (5) This section sunsets in accordance with Section 63-55-269.

Section 10. Repealer

This bill repeals: §53-10-503, Utah 911 Committee

Section 11. Appropriation

There is appropriated:

- (1) \$3.9 million from the Statewide Unified E-911 Emergency Service Fund for fiscal year 2004-05, to the Utah 911 Committee for the development of enhanced 911 emergency services and integrated wireless systems as provided in Section 53-10-605. The appropriation from the Statewide Unified E-911 Emergency Service Fund is intended to be ongoing, but not of a fixed dollar amount, as provided in Section 53-10-605; and
- (2) \$250,000 from the Statewide Unified E-911 Emergency Service Fund for fiscal year 2004-05, to the Automated Geographic Reference Center in the Division of Information Technology Services to enhance and upgrade the statewide digital mapping standards as provided in Section 53-10-605. The appropriation from the Statewide Unified E-911 Emergency Service Fund is intended to be ongoing, but not of a fixed dollar amount, as provided in Section 53-10-605.

§69-2-5.6 is amended to read:

§69-2-5.6. Emergency services telephone charge to fund statewide unified E-911 emergency service.

- (1) Subject to Subsection 69-2-5(3)(g), there is imposed a statewide unified E-911 emergency service charge on each local exchange service switched access line and each revenue producing radio communications access line that is subject to an emergency services telephone charge levied by a county, city, or town under Section 69-2-5 or 69-2-5.5 at:
 - (a) 13 cents per month until June 30, 2008; and
 - (b) 8 cents per month on and after July 1, 2008.
- (2) The emergency services telephone charge imposed under this section shall be:
 - (a) subject to Subsection 69-2-5(3)(g);
 - (b) billed and collected by the person that provides:
 - (i) local exchange service switched access line services; or
 - (ii) radio communications access line services;
 - (c) except for costs retained under Subsection (3), remitted to the State Tax Commission at the same time as the person remits to the State Tax Commission monies collected by the person under Title 59, Chapter 12, Sales and Use Tax Act; and
 - (d) deposited into the Statewide Unified E-911 Emergency Service Fund restricted account in the General Fund created by Section 53-10-603.
- (3) The person that bills and collects the charges levied by this section pursuant to Subsections (2)(b) and (c) may:
 - (a) bill the charge imposed by this section in combination with the charge levied under Section 69-2-5 as one line item charge; and
 - (b) retain an amount not to exceed 1.5% of the charges collected under this section as

reimbursement for the cost of billing, collecting, and remitting the levy.

(4) The State Tax Commission shall collect, enforce, and administer the charges imposed under Subsection (1) pursuant to the same procedures used in the administration, collection, and enforcement of the emergency services telephone charge to fund the Poison Control Center under Section 69-2-5.5.

(5) This section sunsets in accordance with Section 63-55-269.

Amended by Chapter 303, 2006 General Session

Emergency Communication Funding

General Description:

This bill makes changes to funds for emergency communication services.

Highlighted Provisions:

This bill:

- eliminates provisions reimbursing certain communications providers for costs associated with Phase I E-911 service;

- allows monies from the E-911 Emergency Service Fund to be used to assist in development of Phase II E-911 service;

- imposes the emergency services telephone charge on services with access to the public switched telephone network, including voice over Internet protocol;

- reduces a charge on communications services that funds emergency communication services from 65 cents per line to 61 cents;

- changes the date on which a charge levied to fund E-911 service is reduced from July 1, 2008 to July 1, 2007; and

- makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2007.

Utah Code Sections Affected:

AMENDS:

53-10-603, as enacted by Chapter 313, Laws of Utah 2004

53-10-605, as last amended by Chapter 169, Laws of Utah 2005

69-2-5, as last amended by Chapter 253, Laws of Utah 2006

69-2-5.6, as last amended by Chapter 303, Laws of Utah 2006

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 53-10-603 is amended to read:

53-10-603. Creation of Statewide Unified E-911 Emergency Service Fund.

(1) There is created a restricted account in the General Fund entitled the "Statewide Unified E-911 Emergency Service Fund," or "fund" consisting of:

- (a) proceeds from the fee imposed in Section 69-2-5.6;

- (b) money appropriated or otherwise made available by the Legislature; and

- [(c) proceeds from the levy imposed in Section 69-2-5, as required by Subsection 69-2-5(3)(c)(iii); and]

- [(d)] (c) contributions of money, property, or equipment from federal agencies, political subdivisions of the state, persons, or corporations.

(2) The [moneys] monies in this fund shall be used exclusively for the following statewide public purposes:

- (a) enhancing public safety as provided in this chapter;
- (b) providing a statewide, unified, wireless E-911 service available to public service answering points; and
- (c) providing reimbursement to providers for certain costs associated with Phase [1] II wireless E-911 service.

Section 2. Section 53-10-605 is amended to read:

53-10-605. Use of money in fund -- Criteria -- Administration.

(1) Subject to an annual legislative appropriation from the fund to:

(a) the committee, the committee shall:

- (i) authorize the use of the money in the fund, by grant to a local entity or state agency in accordance with this Subsection (1) and Subsection (2);
- (ii) grant to state agencies and local entities an amount not to exceed the per month fee levied on telephone services under Section 69-2-5.6 for installation, implementation, and maintenance of unified, statewide 911 emergency services and technology; and
- (iii) in addition to any money under Subsection (1)(a)(ii), grant to counties of the third through sixth class the amount dedicated for rural assistance, which is at least 3 cents per month levied on telephone services under Section 69-2-5.6 to:
 - (A) enhance the 911 emergency services with a focus on areas or counties that do not have E-911 services; and
 - (B) where needed, assist the counties, in cooperation with private industry, with the creation or integration of wireless systems and location technology in rural areas of the state; [and]

(b) the committee, the committee shall:

- (i) include reimbursement to a provider of radio communications service, as defined in Section 69-2-2, for costs as provided in [Subsections (1)(b)(ii) and (iii)] Subsection (1)(b)(ii); and
- (ii) an agreement to reimburse costs to a provider of radio communications services must be a written agreement among the committee, the local public safety answering point and the carrier; and
- [(iii) shall include reimbursement to the provider for the cost of design, development, and implementation of equipment or software necessary to provide Phase I, wireless E-911 service to public service answering points, provided:]
 - [(A) the reimbursement under this Subsection (1)(b) does not exceed the amount allowed by Subsection 53-10-602(3);]
 - [(B) the provider submits an invoice for the reimbursement to the committee; and]
 - [(C) the provider has not been reimbursed by the consumer for the costs submitted to the committee; and]

(c) the state's Automated Geographic Reference Center in the Division of Integrated Technology of the Department of Technology Services, an amount equal to 1 cent per month levied on telephone services under Section 69-2-5.6 shall be used to enhance and upgrade statewide digital mapping standards.

(2) (a) Beginning July 1, 2007, the committee may not grant the money in the fund to a local entity unless the local entity is in compliance with Phase I, wireless E-911 service.

(b) Beginning July 1, 2009, the committee may not grant money in the fund to a local entity unless the local entity is in compliance with Phase II, wireless E-911 service.

(3) A local entity must deposit any money it receives from the committee into a special emergency telephone service fund in accordance with Subsection 69-2-5(4).

(4) For purposes of this part, "local entity" means a county, city, town, special district, local district, or interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act.

Section 3. Section 69-2-5 is amended to read:

69-2-5. Funding for 911 emergency telephone service.

(1) In providing funding of 911 emergency telephone service, any public agency establishing a 911 emergency telephone service may:

- (a) seek assistance from the federal or state government, to the extent constitutionally permissible, in the form of loans, advances, grants, subsidies, and otherwise, directly or indirectly;
- (b) seek funds appropriated by local governmental taxing authorities for the funding of public safety agencies; and
- (c) seek gifts, donations, or grants from individuals, corporations, or other private entities.

(2) For purposes of providing funding of 911 emergency telephone service, special service districts may raise funds as provided in Section 17A-2-1322 and may borrow money and incur indebtedness as provided in Section 17A-2-1316.

(3) (a) Except as provided in Subsection (3)(b) and subject to the other provisions of this Subsection (3) a county, city, or town within which 911 emergency telephone service is provided may levy monthly an emergency services telephone charge on:

- (i) each local exchange service switched access line within the boundaries of the county, city, or town; [and]
- (ii) each revenue producing radio communications access line with a billing address within the boundaries of the county, city, or town[.]; and
- (iii) any other service, including voice over Internet protocol, provided to a user within the boundaries of the county, city, or town that allows the user to make calls to and receive calls from the public switched telephone network, including commercial mobile radio service networks.

(b) Notwithstanding Subsection (3)(a), an access line provided for public coin telephone service is exempt from emergency telephone charges.

(c) The amount of the charge levied under this section may not exceed:

- (i) [65] 61 cents per month for each local exchange service switched access line;
- (ii) [65] 61 cents per month for each radio communications access line; and
- [(iii) 4 cents of the amount of the charge levied under Subsections (3)(c)(i) and (ii), less the collection costs of the provider and Tax Commission permitted by Subsection (3)(h) and Subsection 53-10-604(2)(b), shall be deposited monthly in the statewide unified E-911 Emergency Service Fund created in Section 53-10-603, for the purposes outlined in that section.]
- (iii) 61 cents per month for each service under Subsection (3)(a)(iii).

(d) (i) For purposes of this Subsection (3)(d) the following terms shall be defined as provided in Section 59-12-102:

- (A) "mobile telecommunications service";
- (B) "primary place of use";
- (C) "service address"; and
- (D) "telephone service."

(ii) An access line described in Subsection (3)(a) is considered to be within the boundaries of a county, city, or town if the telephone services provided over the access line are located within the county, city, or town:

- (A) for purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use Tax Act; and
- (B) determined in accordance with Section 59-12-207.4.

(iii) The rate imposed on an access line under this section shall be determined in accordance with Subsection (3)(d)(iv) if the location of an access line described in Subsection (3)(a) is determined under Subsection (3)(d)(ii) to be a county, city, or town other than county, city, or town in which is located:

- (A) for telephone service other than mobile telecommunications service, the purchaser's service address; or
 - (B) for mobile telecommunications service, the purchaser's primary place of use.
- (iv) The rate imposed on an access line under this section shall be the lower of:
 - (A) the rate imposed by the county, city, or town in which the access line is located under Subsection (3)(d)(ii); or
 - (B) the rate imposed by the county, city, or town in which it is located:
 - (I) for telephone service other than mobile telecommunications service, the purchaser's service address; or
 - (II) for mobile telecommunications service, the purchaser's primary place of use.
- (e)
 - (i) A county, city, or town shall notify the Public Service Commission of the intent to levy the charge under this Subsection (3) at least 30 days [prior to] before the effective date of the charge being levied.
 - (ii) For purposes of this Subsection (3)(e):
 - (A) "Annexation" means an annexation to:
 - (I) a city or town under Title 10, Chapter 2, Part 4, Annexation; or
 - (II) a county under Title 17, Chapter 2, Annexation to County.
 - (B) "Annexing area" means an area that is annexed into a county, city, or town.
 - (iii)
 - (A) Except as provided in Subsection (3)(e)(iii)(C) or (D), if on or after July 1, 2003, a county, city, or town enacts or repeals a charge or changes the amount of the charge under this section, the enactment, repeal, or change shall take effect:
 - (I) on the first day of a calendar quarter; and
 - (II) after a 90-day period beginning on the date the State Tax Commission receives notice meeting the requirements of Subsection (3)(e)(iii)(B) from the county, city, or town.
 - (B) The notice described in Subsection (3)(e)(iii)(A) shall state:
 - (I) that the county, city, or town will enact or repeal a charge or change the amount of the charge under this section;
 - (II) the statutory authority for the charge described in Subsection (3)(e)(iii)(B)(I);
 - (III) the effective date of the charge described in Subsection (3)(e)(iii)(B)(I); and
 - (IV) if the county, city, or town enacts the charge or changes the amount of the charge described in Subsection (3)(e)(iii)(B)(I), the amount of the charge.
 - (C) Notwithstanding Subsection (3)(e)(iii)(A), the enactment of a charge or a charge increase under this section shall take effect on the first day of the first billing period:
 - (I) that begins after the effective date of the enactment of the charge or the charge increase; and
 - (II) if the billing period for the charge begins before the effective date of the enactment of the charge or the charge increase imposed under this section.
 - (D) Notwithstanding Subsection (3)(e)(iii)(A), the repeal of a charge or a charge decrease under this section shall take effect on the first day of the last billing period:
 - (I) that began before the effective date of the repeal of the charge or the charge decrease; and

- (II) if the billing period for the charge begins before the effective date of the repeal of the charge or the charge decrease imposed under this section.
 - (iv) (A) Except as provided in Subsection (3)(e)(iv)(C) or (D), if for an annexation that occurs on or after July 1, 2003, the annexation will result in the enactment, repeal, or a change in the amount of a charge imposed under this section for an annexing area, the enactment, repeal, or change shall take effect:
 - (I) on the first day of a calendar quarter; and
 - (II) after a 90-day period beginning on the date the State Tax Commission receives notice meeting the requirements of Subsection (3)(e)(iv)(B) from the county, city, or town that annexes the annexing area.
 - (B) The notice described in Subsection (3)(e)(iv)(A) shall state:
 - (I) that the annexation described in Subsection (3)(e)(iv)(A) will result in an enactment, repeal, or a change in the charge being imposed under this section for the annexing area;
 - (II) the statutory authority for the charge described in Subsection (3)(e)(iv)(B)(I);
 - (III) the effective date of the charge described in Subsection (3)(e)(iv)(B)(I); and
 - (IV) if the county, city, or town enacts the charge or changes the amount of the charge described in Subsection (3)(e)(iv)(B)(I), the amount of the charge.
 - (C) Notwithstanding Subsection (3)(e)(iv)(A), the enactment of a charge or a charge increase under this section shall take effect on the first day of the first billing period:
 - (I) that begins after the effective date of the enactment of the charge or the charge increase; and
 - (II) if the billing period for the charge begins before the effective date of the enactment of the charge or the charge increase imposed under this section.
 - (D) Notwithstanding Subsection (3)(e)(iv)(A), the repeal of a charge or a charge decrease under this section shall take effect on the first day of the last billing period:
 - (I) that began before the effective date of the repeal of the charge or the charge decrease; and
 - (II) if the billing period for the charge begins before the effective date of the repeal of the charge or the charge decrease imposed under this section.
- (f) Subject to Subsection (3)(g), an emergency services telephone charge levied under this section shall:
 - (i) be billed and collected by the person that provides the:
 - (A) local exchange service switched access line services; or
 - (B) radio communications access line services; and
 - (ii) except for costs retained under Subsection (3)(h), remitted to the State Tax Commission.
- (g) An emergency services telephone charge on a mobile telecommunications service may be levied, billed, and collected only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.
- (h) The person that bills and collects the charges levied under Subsection (3)(f) may:
 - (i) bill the charge imposed by this section in combination with the charge levied under Section 69-2-5.6 as one line item charge; and
 - (ii) retain an amount not to exceed 1.5% of the levy collected under this section as

- reimbursement for the cost of billing, collecting, and remitting the levy.
- (i) The State Tax Commission shall:
 - (i) collect, enforce, and administer the charge imposed under this Subsection (3) [pursuant to] using the same procedures used in the administration, collection, and enforcement of the state sales and use taxes under:
 - (A) Title 59, Chapter 1, General Taxation Policies; and
 - (B) Title 59, Chapter 12, Part 1, Tax Collection, except for:
 - (I) Section 59-12-104;
 - (II) Section 59-12-104.1;
 - (III) Section 59-12-104.2; and
 - (IV) Section 59-12-107.1[.];
 - (ii) transmit monies collected under this Subsection (3):
 - (A) monthly; and
 - (B) by electronic funds transfer by the commission to the county, city, or town that imposes the charge; and
 - (iii) charge the county, city, or town for the State Tax Commission's services under this Subsection (3) in an amount:
 - (A) sufficient to reimburse the State Tax Commission for the cost to the State Tax Commission in rendering the services; and
 - (B) that may not exceed an amount equal to 1.5% of the charges imposed under this Subsection (3).
 - (4) (a) Any money received by a public agency for the provision of 911 emergency telephone service shall be deposited in a special emergency telephone service fund.
 - (b) (i) Except as provided in Subsection (5), the money in the emergency telephone service fund shall be expended by the public agency to pay the costs of establishing, installing, maintaining, and operating a 911 emergency telephone system or integrating a 911 system into an established public safety dispatch center, including contracting with the providers of local exchange service, radio communications service, and vendors of appropriate terminal equipment as necessary to implement the 911 emergency telephone service.
 - (ii) Revenues derived for the funding of 911 emergency telephone service may only be used for that portion of costs related to the operation of the 911 emergency telephone system when such a system is integrated with any public safety dispatch system.
 - (c) Any unexpended money in the emergency telephone service fund at the end of a fiscal year does not lapse, and must be carried forward to be used for the purposes described in this section.
 - (5) (a) Revenue received by a local entity from an increase in the levy imposed under Subsection (3) after the 2004 Annual General Session, or from grants from the Utah 911 Committee pursuant to Section 53-10-605:
 - (i) shall be deposited into the special emergency telephone service fund described in Subsection (4)(a); and
 - (ii) shall only be used for that portion of the costs related to the development and operation of wireless and land-based enhanced 911 emergency telephone service and the implementation of wireless E-911 Phase I and Phase II services as provided in Subsection (5)(b).
 - (b) The costs allowed under Subsection (5)(a)(ii) shall include the public service answering point's or local entity's costs for:
 - (i) acquisition, upgrade, modification, maintenance, and operation of public service answering point equipment capable of receiving E-911 information;
 - (ii) database development, operation, and maintenance; and
 - (iii) personnel costs associated with establishing, installing, maintaining, and operating wireless E-911 Phase I and Phase II services, including training emergency service personnel regarding receipt and use of E-911 wireless service

information and educating consumers regarding the appropriate and responsible use of E-911 wireless service.

(6) A local entity that increases the levy it imposes under Subsection (3)(c) after the 2004 Annual General Session shall increase the levy to the maximum amount permitted by Subsection (3)(c).

Section 4. Section 69-2-5.6 is amended to read:

69-2-5.6. Emergency services telephone charge to fund statewide unified E-911 emergency service.

(1) Subject to Subsection 69-2-5(3)(g), there is imposed a statewide unified E-911 emergency service charge on each local exchange service switched access line and each revenue producing radio communications access line that is subject to an emergency services telephone charge levied by a county, city, or town under Section 69-2-5 or 69-2-5.5 at:

(a) 13 cents per month until [June 30, 2008] June 30, 2007; and

(b) 8 cents per month on and after [July 1, 2008] July 1, 2007.

(2) The emergency services telephone charge imposed under this section shall be:

(a) subject to Subsection 69-2-5(3)(g);

(b) billed and collected by the person that provides:

(i) local exchange service switched access line services; [or]

(ii) radio communications access line services; or

(iii) service described in Subsection 69-2-5(3)(a)(iii).

(c) except for costs retained under Subsection (3), remitted to the State Tax Commission at the same time as the person remits to the State Tax Commission monies collected by the person under Title 59, Chapter 12, Sales and Use Tax Act; and

(d) deposited into the Statewide Unified E-911 Emergency Service Fund restricted account in the General Fund created by Section 53-10-603.

(3) The person that bills and collects the charges levied by this section pursuant to Subsections (2)(b) and (c) may:

(a) bill the charge imposed by this section in combination with the charge levied under Section 69-2-5 as one line item charge; and

(b) retain an amount not to exceed 1.5% of the charges collected under this section as reimbursement for the cost of billing, collecting, and remitting the levy.

(4) The State Tax Commission shall collect, enforce, and administer the charges imposed under Subsection (1) [pursuant to] using the same procedures used in the administration, collection, and enforcement of the emergency services telephone charge to fund the Poison Control Center under Section 69-2-5.5.

(5) This section sunsets in accordance with Section 63-55-269.

Section 5. Effective date.

This bill takes effect on July 1, 2007.

General Description:

This bill addresses membership in the Utah 911 Committee.

Highlighted Provisions:

This bill: provides additional members to the Utah 911 Committee; and makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 53-10-601 is amended to read:

53-10-601. Utah 911 Committee.

(1) There is created within the division, the Utah 911 Committee consisting of the following [45] 18 members:

(a) a representative from each of the following primary emergency public safety answering points:

- (i) Salt Lake County;
- (ii) Davis County;
- (iii) Utah County; ~~and~~
- (iv) Weber County; and
- (v) Washington County;

(b) ~~four~~ six members representing the following primary emergency public safety answering points:

- (i) Bear River Association;
- (ii) Uintah Basin Association;
- (iii) South East Association;
- (iv) Six County Association;
- (v) Five County Association; and
- (vi) Mountainlands Association, not including Utah County;

(c) the following people with knowledge of technology and equipment that might be needed for an emergency public safety answering system:

- (i) a representative from a local exchange carrier;
- (ii) a representative from a rural incumbent local exchange carrier; and
- (iii) two representatives from radio communication services as defined in Section 69-2-2;

(d) two representatives from the Department of Public Safety, one of whom represents urban Utah and the other rural Utah; and

(e) a representative from the Department of Technology Services, created in Title 63F, Chapter 1.

(2) (a) Each committee member shall be appointed as follows:

(i) a member described in Subsection (1)(a) shall be appointed by the governor from a nominee or nominees submitted to the governor by the council of government for that member's county;

(ii) the ~~[four]~~ six members described in Subsection (1)(b) shall be appointed by the governor from a nominee or nominees submitted to the governor by the associations described in Subsection (1)(b) as follows:

—(A) the six associations shall select by lot, the first four associations to begin the rotation of membership as required by Subsection (2)(b)(i); and

(B) as each association is represented on the commission in accordance with Subsection (2)(b)(i), that association shall select the person to represent it on the commission;

(iii) the members described in Subsection (1)(c) shall be appointed by the governor with the consent of the Senate; and

(iv) the members described in Subsections (1)(d) and (e) shall be appointed by the governor.

(b) The term of office of each member is four years, except as provided in Subsections (2)(b)(ii) through (iv).

(i) The representatives from Subsection (1)(b) must rotate to provide each geographic location at least one representative every four years, except as provided for the initial appointment under Subsection (2)(b)(ii).

(ii) The associations listed in Subsection (1)(b) shall select by lot, two of its members to an initial two-year term.

(iii) The governor shall appoint two representatives from Subsection (1)(c) to initial two-year terms.

(iv) The public service answering points listed in Subsection (1)(a) shall, by lot, select two members to serve an initial two-year term.

(c) No member of the committee may serve more than two consecutive four-year terms.

(d) Each mid-term vacancy shall be filled for the unexpired term in the same manner as an appointment under Subsection (2)(a).

(3) (a) Committee members shall elect a chair from their number and establish rules for the organization and operation of the committee, with the chair rotating among representatives from Subsections (1)(a), (b), and (d) every year.

(b) Staff services to the committee:

(i) shall be provided by the division; and

(ii) may be provided by local entities through the Utah Association of Counties and the Utah League of Cities and Towns.

(c) Funding for staff services shall be provided with funds approved by the committee from those identified under Section 53-10-605.

(4) (a) No member may receive compensation or benefits for the member's service on the committee.

(b) A member is not required to give bond for the performance of official duties.

Appendix B

Guidelines for 911 Center Operational Costs

61¢ Dept of Public Safety Emergency Services Telecommunications Fee Fund §69-2-5.4

(b)(i) Except as provided in Subsection (5), the money in the emergency telephone service fund [described in Subsection (4)(a)] shall be expended by the public agency to pay the costs of establishing, installing, maintaining, and operating a 911 emergency telephone system or integrating a 911 system into an established public safety dispatch center, including contracting with the providers of local exchange service, radio communications service, and vendors of appropriate terminal equipment as necessary to implement the 911 emergency telephones

(ii) Revenues derived for the funding of 911 emergency telephone service may only be used for that portion of costs related to the operation of the 911 emergency telephone system when such a system is integrated with any public safety dispatch system.

(c) Any unexpended money in the emergency telephone service fund at the end of a fiscal year does not lapse, and must be carried forward to be used for the purposes described in this section.

ALLOWABLE 911 CENTER OPERATIONAL EXPENDITURES

Personnel costs **directly attributable** to delivery of 911 services (i.e. directors, supervisors, dispatchers, call-takers, technical & support staff):

- Salaries
- MSAG coordination
- Uniforms
- Fringe benefits
- EAP

NB. If 911 staff serves dual functions (e.g. a call-taker who is also a police officer) then only those portions of personnel costs **attributable** to their 911 functions are allowable.

Facility Costs **directly attributable** to the delivery of 911 services:

- Capital improvements for construction, remodel or expansion
- Electrical and heat
- ACIW alterations
- Fire suppression system
- Alarms/security systems
- Cleaning, maintenance, trash removal
- Telephone
- Generator, UPS and grounding
- Insurance and risk management
- Office supplies
- Printing and copying
- Furniture

NB. If housed in a shared facility, only those portions of facility costs **attributable** to the 911 functions are allowable.

Training and Memberships **directly attributable** to 911 service:

- On-the-job training
- Vendor provided training
- Conferences, travel and lodging, as necessary
- Membership in associations (APCO, NENA, etc.)

Hardware, software, connectivity and peripherals **directly attributable** to the delivery of 911 service:

- 911 controller and telephone equipment and software
- 911 trunks and administrative lines for 911 center
- Remote 911
- Hardware and modems
- ACD and call management software
- Time stamp and clock hardware

- Computer workstations
- TDD equipment
- Voice logging equipment
- Radio system (consoles and infrastructure)
- Computer-Aided dispatch, GIS mapping, paging, mobile data, LINK / NCIC, and AVL systems
- Associated database costs
- Connectivity, software licensing, interfaces, maintenance and service agreements for any of above

Prorated vehicle costs or reimbursement **directly attributable** to the delivery of 911 services:

- Travel for MSAG and 911 related GIS verification and testing
- Travel for 911 public education purposes

Professional Services **directly attributable** to the delivery of 911 services

- Attorneys
- Consultants
- Architects
- Auditor
- Insurance and risk management

Public information and education expenses **directly attributable** to the delivery of 911 services.

NON- ALLOWABLE OPERATIONAL EXPENDITURES

Personnel Costs of law enforcement, fire, and EMS responders, emergency management staff, shared support or technical staff, except for portions of time **directly functioning** as 911 allowable staff.

Facility costs of law enforcement, fire, EMS, emergency management, or other municipal facilities, **except for that portion** housing the 911 center or back up center, or leased to the 911 center for allowable training or meeting facilities.

Capital costs and furnishing for facilities for which the primary purpose is other than 911 (e.g. a conference room used primarily for the City Council but occasionally leased or loaned to the 911 center for meetings).

Training for staff **not involved directly** in the delivery of 911 service, or for any staff for courses **not directly attributable** to 911 or dispatching services. Memberships for staff **not involved directly** in the delivery of 911 service, or for associations with a primary purpose other than public safety communications (e.g. sheriffs associations, police or fire chief associations, etc.)

Hardware, software, connectivity and peripherals **not attributable** to the delivery of 911 service:

- Law enforcement record management systems fire records management systems
- EMS records management systems
- Jail records management systems
- Word processing, databases, etc. **not directly attributable** to 911
- GIS **not directly related** to the delivery of 911 service
- Court information systems
- Field equipment for radio, paging, mobile data, LINK and NCIC computer aided dispatch, or AVL systems
- Connectivity for any of above
- Maintenance and service agreements for any of above
- Software licensing of any of above costs

Vehicle costs (fleet vehicle, pool car, mileage reimbursement, etc.) for law enforcement, fire, or EMS responders, such as patrol cars, fire apparatus, ambulances, etc.

Professional Services **not directly attributable** to the delivery of 911

Public information and education expenses **not directly attributable** to the delivery of 911 services.

GUIDELINES FOR 911 CENTER OPERATIONAL COSTS

8¢ Dept of Public Safety Unified E9-1-1 Telecommunications Fee Fund §69-2-5.5

(a) Revenue received by a local entity from an increase in the levy imposed under Subsection (3) after the 2004 Annual General Session, or from grants from the Utah 911 Committee pursuant to §53-10-605:

(i) shall be deposited into the special emergency telephone service fund described in Subsection (4)(a); and

(ii) shall only be used for that portion of the costs related to the development and operation of wireless and land-based enhanced 911 emergency telephone service and the implementation of wireless E-911 Phase I and Phase II services as provided in Subsection (5)(b).

(b) The costs allowed under Subsection (5)(a)(ii) shall include the public service answering point's or local entity's costs for:

(i) acquisition, upgrade, modification, maintenance, and operation of public service answering point equipment capable of receiving E-911 information;

(ii) database development, operation, and maintenance; and

(iii) personnel costs associated with establishing, installing, maintaining, and operating wireless E-911 Phase I and Phase II services, including training emergency service personnel regarding receipt and use of E-911 wireless service information and educating consumers regarding the appropriate and responsible use of E-911 wireless service.

ALLOWABLE 911 CENTER OPERATIONAL EXPENDITURES

Personnel costs **directly attributable** to delivery of 911 service (i.e. directors, supervisors, dispatchers, call-takers, technical & support staff):

- Salaries
- MSAG Coordination

- Uniforms
- Fringe Benefits
- Addressing/Database
- EAP

NB. If 911 staff serves dual functions (e.g. a call-taker who is also a police officer) then only those portions of personnel costs **attributable** to their 911 functions are allowable.

Facility costs **directly attributable** to the delivery of 911 service:

- Capital improvements for construction, remodel or expansion
- Electrical and heat
- ACIW alterations
- Fire suppression system
- Alarms and security systems
- Cleaning, maintenance, trash removal
- Telephone
- Generator, UPS and grounding
- Office supplies
- Printing and copying
- Furniture

NB. If a shared facility, only those portions of facility costs **attributable** to the 911 functions should be allowable

Training and memberships **directly attributable** to 911 service:

- On-the-job training
- Vendor provided training
- Conferences
- Travel and lodging, as necessary
- Membership in associations (APCO, NENA, etc.)

Hardware, software, connectivity and peripherals **directly attributable** to the delivery of 911 service:

- 911 controller / telephone equipment and software
- 911 trunks, administrative lines for 911 center

- Remote 911
- Hardware and modems
- ACD and call management software
- Time stamp and clock hardware
- Computer workstations
- TDD equipment
- Voice logging equipment
- Radio system (consoles and infrastructure)
- Computer aided dispatch, GIS mapping, paging, mobile data, LINK / NCIC, and AVL systems
- Associated database costs
- Connectivity, software licensing, interfaces, maintenance and service agreements for any of above

Prorated vehicle costs or reimbursement **directly attributable** to the delivery of 911 services:

- Travel for MSAG and 911 related GIS verification and testing
- Travel for 911 Public Education purposes

Professional services **directly attributable** to the delivery of 911 services

- Attorneys
- Consultants
- Architects
- Auditor
- Insurance

Public information and education expenses **directly attributable** to the delivery of 911 services.

NON ALLOWABLE OPERATIONAL EXPENDITURES

Personnel Costs of law enforcement, fire, and EMS responders, emergency management staff, shared support or technical staff, except for portions of time **directly functioning** as 911 allowable staff.

Facility costs of law enforcement, fire, EMS, emergency management or other municipal facilities, except for that portion housing the 911 center or back up center, or leased to the 911 center for **allowable** training or meeting facilities.

Capital costs and furnishing for facilities for which the **primary purpose** is other than 911 (e.g. a conference room used primarily for the City Council but occasionally leased or loaned to the 911 center for meetings).

Training for staff **not involved directly** in the delivery of 911 service or for any staff for courses **not directly attributable** to 911 or dispatching services. Memberships for staff **not involved directly** in the delivery of 911 service or for associations with a primary purpose **other than** public safety communications (e.g. sheriffs associations, police or fire chief associations, etc.)

Hardware, software, connectivity and peripherals **not attributable** to the delivery of 911 service:

- Law enforcement record management systems
- Fire records management systems
- EMS records management systems
- Jail records management systems
- Word processing, databases, etc. **not directly attributable** to 911
- GIS **not directly related** to the delivery of 911 service
- Court information systems
- Field equipment for radio, paging, mobile data, LINK / NCIC computer aided dispatch, or AVL systems
- Connectivity for any of above
- Maintenance and service agreements for any of above
- Software licensing of any of above costs

Vehicle costs (fleet vehicle, pool car, mileage reimbursement, etc.) for law enforcement, fire, or EMS responders, such as patrol cars, fire apparatus, ambulances, etc.

Professional Services **not directly attributable** to the delivery of 911 services

Public Information and education expenses **not directly attributable** to the delivery of 911 services.

Appendix C

Procedures for Grant Application, Approval, Processing and Payment

Grant Application and Approval Process

1. 9-1-1 Committee staff representatives meet with individual County Public Safety Answering Point (PSAP) to evaluate their existing 9-1-1 equipment developing a strategy of upgrading to Enhanced, Phase I and/or Phase II capacity and capability.
2. PSAP seeks bids for equipment upgrades and replacements or requisitions from the State contract list, based on the 9-1-1 Committee's staff recommendations.
3. PSAP submits a grant application for 9-1-1 Committee grant funds based on mandatory upgrade to Enhanced, Phase I or Phase II. Funds are generated by collection of Utah Department of Public Safety Unified Enhanced 9-1-1 Telecommunications Fee (13¢ per wireline and wireless telephone user-month). Application comprises:
 - a) Equipment necessary to upgrade to Enhanced 9-1-1, Phase I or II;
 - b) Vendors and contractors to be used wherein a responsive bid or proposal has been received or equipment, services and prices from the state contract list are acceptable;
 - c) Complete narrative justifying need, upgrades and use of 9-1-1 funds;
 - d) Other funding sources, if any to be used for acquisition of equipment, construction of facilities or ongoing service; and
 - e) Application must be executed by an authorized County official.
4. 9-1-1 Committee meets monthly to review, amend and approve PSAP grant applications.
5. Grantor 9-1-1 Committee approves grants to Grantee PSAPs on a not-to-exceed-amount basis.

Vendor and Contractor Payment Process

1. PSAPs remit original invoices to 9-1-1 Committee finance manager for audit, approval and payment.
2. County and PSAP approve Vendor/Contractor work in its entirety via authorized official signatory.
3. 9-1-1 Committee Project Manager reviews all technical aspects of the equipment, software, installation and implementation, then approves completed acquisition of equipment, installation and implementation of all proposed items and work.
4. 9-1-1 Committee Finance Manager compares invoices to original bid documents or State contract amounts to assure inclusion of all originally proposed items and work at their proposed prices, reviews invoices for accuracy, verifies availability of funds, then approves payment to PSAP's City or County, depending on jurisdiction.
5. 9-1-1 Committee Finance Manager assembles package of grantee application, grantor approval, vendor and contractor invoices paid by PSAP, and sign-off list authorizing payment.
6. Signatories include:

- a) Grantor 9-1-1 Committee Program Manager (Bill Jensen)
 - b) Grantee PSAP Director (Sheriff, PSAP Director or County Auditor)
 - c) DPS Finance Manager (Pam Russell)
 - d) DAS Comptroller (Marcie Handy)
 - e) Grantor 9-1-1 Committee Finance Manager (Sam Saeva)
7. 9-1-1 Committee Finance Manager sends original package with all supporting details to Pam Russell, DPS-Administrative Services Finance Manager, for voucher payment processing.

Final Processing

- 1. Original documents are retained in 9-1-1 Committee voucher file with copies retained by the 9-1-1 Committee Project and Finance Managers.
- 2. Copy 2 of entire payment package remitted to Grantee PSAP, as requested.